

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, THE STATES OF CALIFORNIA, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, LOUISIANA, MASSACHUSETTS, MICHIGAN, MONTANA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, WISCONSIN and the DISTRICT OF COLUMBIA, ex rel. DAVID MORGAN,

Plaintiffs,

v.

EXPRESS SCRIPTS, INC.; CVS CAREMARK CORPORATION; MEDCO HEALTH SOLUTIONS INC.; FIRST DATABANK, INC.; WOLTERS KLUWER HEALTH d/b/a MEDI-SPAN; MCKESSON CORPORATION; CARDINAL HEALTH, INC.; AMERISOURCE CORPORATION; and JOHN DOE CORPORATIONS 1-20,

Defendants.

Civil No. 05-CV-1714 (DMC)

Hon. Dennis M. Cavanaugh

[PROPOSED] ORDER

The States of California, Delaware, Florida, Georgia, Illinois, Indiana, Michigan, Nevada, New Hampshire, New Jersey, New Mexico, New York, Tennessee, Texas and the District of Columbia (the “Fifteen Intervening States”), having intervened in part of this action for the purpose of effectuating the settlement agreements entered into between the Fifteen Intervening States and defendant McKesson Corporation (“McKesson”) dated on or about July 26, 2012 (the “State Settlement Agreements”), pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), **IT IS HEREBY ORDERED** that:

1. as to the part of the action in which the Fifteen Intervening States have declined to intervene, the parties shall serve all pleadings and motions, including supporting memoranda, upon the Fifteen Intervening States. The Fifteen Intervening States may order any deposition transcripts related to this action and are entitled to intervene in that part of the action previously declined, for good cause, at any time;

2. all orders of the Court shall be sent to counsel for the State of California; and

3. should the relator or any defendant propose that a part of the action in which the Fifteen Intervening States have declined to intervene be dismissed, settled, stayed, or otherwise discontinued, the Court will solicit the written consent of the Fifteen Intervening States before filing such proposal so that the Court may consider said consent(s) before ruling or granting its approval.

IT IS SO ORDERED, this _____ day of _____, 2012.

DENNIS M. CAVANAUGH
UNITED STATES DISTRICT COURT JUDGE